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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FRED MESI and ERIC MESI,

Plaintiff,

v.

WASHINGTON MUTUAL F.A., et al.,

Defendants.

3:09-CV-582 JCM (VPC)

**ORDER**

Presently before the court is defendants Geneva Martinjus', Meshelle Baggerman's and Danita F. Fallen's motion to dismiss. (Doc. #48). On May 10, 2010, the court clerk notified the plaintiffs that a response was due by May 27, 2010.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion, and failure to follow a district court's local rule is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissing the action, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

A review of the docket indicates that as of September 27, 2010, the plaintiffs have failed to respond to defendants' motion to dismiss. Weighing the factors identified in *Ghazali*, the court finds dismissal appropriate.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED defendants Geneva Martinjus',  
3 Meshelle Baggerman's and Danita F. Fallen's motion to dismiss (doc. #48) is hereby GRANTED.

4 DATED September 29, 2010.

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7 UNITED STATES DISTRICT JUDGE  
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